



**CITY OF BURLINGTON
BOARD OF HEALTH**

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BOARD OF HEALTH

Ian C. Galbraith, Chair • David Casey • Mary D. Hart • Alan R. Sousie • Austin Sumner

BOARD STAFF

Linda Ayer

HEALTH OFFICER

William Ward

INTERNS:

Emma Hevey – Grace Hevey

**REGULAR MEETING OF
BURLINGTON BOARD OF HEALTH
DPW, 645 Pine Street
Thursday, January 12, 2012 - 5:30 PM**

Attending: Austin Sumner, Alan Sousie, William Ward, Emma Hevey, Grace Hevey, Mary Hart, Linda Ayer (*ABSENT: Ian Galbraith and David Casey*) Public Forum: Jeff Tanguay, Gene Bergman, Brian Pine,

The meeting was called to order by Ian Galbraith at 5:35 PM

ITEM	DISCUSSION	ACTION
1. Approval of Agenda and Minutes		Approved Agenda and Minutes by Consensus
2. Public Forum – Lead Program Update	Burlington Lead Program since 2003. Brian Pine 9 years, Jeff Tanguay 8 years.	

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	<p>Lead hazards in 300 homes in Burlington funded by HUD for 3 years (<i>Last grant: 205 homes in a 4 year program, 90 in previous grant</i>).</p> <p>\$2.47 million grant (22 applicants selected out of 90 for funding).</p> <ul style="list-style-type: none"> ➤ Biggest challenge is finding qualified contractors (4 abatement contractors in VT) who can get the work done in an effective and timely manner. ➤ Pro-actively engaged with Code Enforcement through minimum housing inspections. ➤ Public Works requires certification proof of RRP. But this does not apply to painting contractor. Even though the federal law applies, there is no permitting process for painting a house. ➤ Municipal tickets are issued for unsafe practices (including lead, chemicals such as pesticides under the sink, etc.) ➤ Outreach efforts include monthly EMP trainings <p>Q: A. Sousie re: plumbing having lead. This is a separate “healthy homes” grant toward that effort. It is a water issue</p> <p>Evaluations of Program:</p> <ul style="list-style-type: none"> • Enrollment rated high, contractor 	<p>BOH to explore Healthy Homes grant toward dealing with lead based plumbing in homes and would encompass plumbing from home to street.</p>
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	<p>work is low.</p> <ul style="list-style-type: none"> Blood data access- Lead is a big issue as related to healthy housing. 	<p>BOH needs to step up the campaign to get residential properties enrolled by completing an application. Use Front Porch Forum to do this.</p>
3. HIPPA	<p>Jeff Tanguay/Brian Pine/Gene Bergman: Blood Lead Data: Health Dept. funding isn't going to extend past April of this year. No longer required to monitor lead data and case management may cease. State will not be able to carry out its statutory obligations.</p> <p>This could be an opportunity for the city to pick up obligations: when these state obligations are unable to be met – Feds cut funding from \$37 million to \$2 million</p> <p>With blood lead data, hazards can be mitigated. The current challenge is access to the data.</p> <p>Currently when a child is found to have 10 micrograms of lead in blood, it is reported. (5 plus micrograms will do damage). The key component is public health education.</p> <p>Action occurs at 10 or above. If health officers can get into the contaminated homes, the intervention will go above and beyond the minimum. Poisoning of siblings/future children in household will be prevented; Deferred and forgivable loans are given to come into compliance.</p> <p>State Health Dept. position is that they cannot release the information about the location of lead victims due to confidentiality issues.</p>	

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	<p>State sends out postcards to residents requesting they report lead incidents, but it has been an 8 year struggle to get this information (2 dozen received in 2 years) – response is low. In a joint letter from CDC and HUD, we’re entitled to get this information and it is not an issue with the Lead Hazard Program...</p> <p>The Vt. Dept. of Health says that, because they are a health “provider” they need to protect the information.</p> <p>According to Attorney Gene Bergman: Under current set up: information is permissive - under two exemptions: 45 CFR Sec. 164.512(b)(1)(i) “...<i>health information can be disclosed when the can purpose is to prevent disease or injury</i>”... This exemption allows for information to be gotten by a Health Officer:</p> <p>Exemption: 45 CFR Sec. 164.512(j)(1) (i) “ ... <i>to advert serious threat to health or safety.... Serious and imminent threat ... information can be released to person and persons able to lessen the threat.</i>”</p> <p>Burlington Lead Program can:</p> <ol style="list-style-type: none"> 1. Develop protocol 2. Define and support training requirements <p>Attorney Bergman recommends using both of these exemption sections to:</p> <ul style="list-style-type: none"> • Design safeguards to protect information – i.e. signed agreement • Create protocols & procedures 	<p>Chair of BOH, A. Sumner is advocating for what the Burlington Lead Program can offer.</p>
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	<ul style="list-style-type: none"> • Develop training • Define uses of information <p><i>(i.e. Health Officer receives info – filters it, determines who needs to know – sends the information to Lead Program)</i></p> <p>Discussion points regarding deputizing health officers outside of Code Enforcement: <i>Deputies become enforcement agent and cannot close eyes. They are in an enforcement position v. good guy abatement and education role. According to Title 18 – Health Officer is the enforcer.</i></p> <p><i>Currently, lead investigation is only done by the Vt. Health Dept. who are case managing for blood levels. The lead program does not do this. Evaluation IS NOT investigation. Existing health officers (Code Enforcement) can do the investigation.</i></p> <p>Dual role of CE Director and Health Officer can enforce lead abatement using concurrent authority. (Chapter 17). <i>“...city official; can use concurrent authority.”</i></p> <p>Must address abatement versus enforcement issues. Suggestion is to deputize those involved in abatement (Lead Program) which creates problems in management on a daily function level. The Burlington BOH does not need to micro manage health officers.</p> <p>Free the information from the Dept of Health:</p> <ul style="list-style-type: none"> • Board requested action to deliver the information to the Vt. Health 	<p>Board moved and approved taking action on HIPPA Lead Data issue at the March 8, 2012 BOH meeting at Robert Miller.</p> <p>Lead Program and CE - Health Officer to:</p> <ol style="list-style-type: none"> 1. Create a modified approach on how they currently operate incorporating the CDC protocol on how to keep the information secure; 2. Decide how to use the blood lead data. 3. Include that the Commissioner will provide the training.
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	<p>Commissioner.</p> <p>A. Sousie recommended that the function of the Health Officer be clearly defined.</p>	<p>Attorney Bergman will work with the Lead Program and Health Officer to provide the legal basis to support the protocols that are established in the document.</p>
4. Chairman's Report	.	<p>BOH approved Semi-Annual FY12 BOH Report as written for submission to City Council.</p>
<ul style="list-style-type: none"> • P.O.P.E. (Pesticide Ordinance Public Education) <ul style="list-style-type: none"> ○ Report - Healthy Lawns, Healthy Lives Lawn Demonstration Project • School Inspections <ul style="list-style-type: none"> ○ Follow Up Report on October 28, 2011 Hunt Middle School 	<p>Presentation of current expenditures of BOH budget and grant monies obtained from the Lintilhac Foundation. .</p> <p>Outline of anticipated expenses for the BOH – POPE Winter Festival Event to be held on Saturday, February 4, 2012, 10:00 – 3:00 PM at Memorial Auditorium Annex. Program includes collaborative involvement of Friends of Burlington Gardens, Parks and Recreation, Gardeners Supply, Claussens Greenhouses, and contracted entertainment with songwriter and musician Jon Gailmor and Puppets in Education – Kids on the Block. .</p> <p>Hunt Middle School: 6 – 8 items still of concern. Health Officer W. Ward will outline how to abate problems in the woodworking shop and the decibel level of noise...</p> <p>Dept. of Health – Public Health Industrial Hygienist, Chris Zuidema to send BOH recommendations. Determined that over an 8 hour period, the decibels did not exceed 90.</p>	<p>Board approved expenditures of remaining grant monies and remaining BOH budget by end of FY12.</p> <p>Board approved stipend of \$600.00 of grant monies to K. Hackett for field work on P.O.P.E. Fall and Spring FY12 projects including the Healthy Lawns Demonstration Project, writing the play for performance about pesticide use for Winter Festival.</p> <p>Board approved \$1600 of projected additional expenses for Winter Festival event..</p> <p>A. Sousie will send a letter after receiving</p>

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<ul style="list-style-type: none"> ○ Follow-up on Edmunds Inspection. • Fluoridation Pamphlet • Burlington Partnership for a Healthy Community • Urban Agriculture Task Force 	<p>Therefore there is no regulatory violation. However, he will be making a recommendation for abatement.</p> <p>Re: subterranean space (it is a plumbing run) Re: roof - informed that roofers been coming to repair last 6 months. Other wing of building was not investigated... There is another tunnel with access from the Mechanical Room A. The broken fan was identified for possible foul odor. Could not investigate in detail due to a presentation happening in the classroom. Based on hearsay and conjecture: could the school be acting as temporary storage for hazardous waste?</p> <p>Need to be consistent in approaches in inspecting each of the schools.</p> <p>Edmunds – unsafe storage of chairs... nothing yet done.</p> <p>Discussion ensued around how to proceed in getting violations in schools resolved.</p> <p>Nothing new to report</p> <p>Nothing new to report</p>	<p>Chris Zuidema's report on Hunt Middle School issues.</p> <p>A. Sousie, W. Ward, D. Casey to conduct an additional follow-up inspection of second wing of Hunt building after feedback from building maintenance person Mark Irish.</p> <p>W. Ward will write an e-mail request to Terry Francis to make site visit to Edmunds School regarding the storage of snow blower and gas can in the center of an interior storage room and to determine if the room is fire rated.</p> <p>A. Sousie will contact Edmunds principal regarding the storage of the chairs.</p>
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<ul style="list-style-type: none"> • BOH Public Presentation ○ Other - 	<p>Nothing new to report</p> <p>Austin Sumner has formally resigned from Vermont Health Department.</p>	<p>D. Casey and W. Ward to meet before February 9, 2012 BOH meeting to develop the BOH Public Presentation for NPA meetings.</p> <p>Interns Emma Hevey and Grace Hevey to report at February meeting about the health issues they are learning about. To present observations and learning from six different field experiences. Arrange with Health Officer, W. Ward, to shadow a housing inspector.</p> <p>Chair, A. Sumner and D. Casey to create draft of Strategic Plan for presentation at February 9, 2012 meeting.</p>
<p>4. Staff</p> <ul style="list-style-type: none"> • Code Enforcement Updates • Web Updates/Front Porch Forum 	<p>Director Ward shared data on housing inspections as depicted in pivot tables.</p> <p>Last posting: re: 3000 Healthy Home Inspection Received two responses.</p>	
<p>5. Action Items/Next Board Meeting</p>	<p>Strategic planning, BOH Public Presentation P.O.P.E. report Fluoride posting Burlington Partnership for a Healthy Community Urban Agriculture Task Force Internship Report</p>	<p>Next Board Meeting: February 9, 2012 Thursday - City Hall Rm. 12</p>
<p>6. Adjournment</p>	<p>7:40 PM</p>	

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Approved

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